

The Deputy Director.

5 March 1947

Chief, Legislative Liaison Division

Comments by Mr. Allen Dulles on Proposed CIG Enabling Act.

Mr. Allen Dulles has submitted, under date of 10 February 1947, his comments on the draft, dated 2 December 1946, of the proposed CIG Enabling Act. The undersigned submits the following remarks in connection with Mr. Dulles' comments.

1. Dulles: "Section 1(a). The use of the term 'national intelligence mission' seems to me somewhat awkward. Possibly instead of 'mission' the word 'objectives' would be more appropriate."

Comment: Either term would appear to be acceptable, but the word 'objectives' can be substituted for 'mission' if it is thought that it is less awkward or ambiguous.

2. Dulles: "Section 3(a). Consideration should be given to according to the Director of Intelligence the right to vote in the National Intelligence Authority, both for reasons of prestige and also to permit matters to be referred to the President under Subsection (9) in case by any chance there should be a difference of opinion between the Director and the other members of the Authority."

Comment: This suggestion can not be adopted. Under the proposed merger bill, the Director will not sit on the National Security Council and therefore cannot vote. Provisions could be included, however, under Subsection 3(a)(9), if it is thought desirable, to allow the Director to appeal an adverse decision by the Council to the President. However, such a course of action would be extremely difficult, as it would involve the President's over-ruling at least two Cabinet members.

3. Dulles: "Section 3(a)(6). The reference to the conduct of foreign intelligence operations 'centrally' does not have much meaning. I presume it means the operations which are to be carried on by the Central Intelligence Agency and I think this should be so stated."

Comment: This phrase has been amended to read "as well as in the conduct of these foreign intelligence operations performed by the Central Intelligence Agency" rather than "performed centrally."

4. Dulles: "Section 3(a)(4). In a moment of crisis it might be necessary to call a meeting of the authority and it might be wise to provide the machinery to do this in the Act itself. I would favor giving the Director the right to call a meeting as well as any other members of the Authority."

Comment: The Enabling Act will be amended to allow the Director to request an immediate meeting of the Council when this is warranted by the urgency of the situation.

5. Dulles: "Section 3(b)(2). It is vitally important that the Deputy Director be a man who has the complete confidence of the Director. The relatively large salary would make this job an attractive political plum and there should be some safeguard against this. Possibly it could be provided that the Deputy Director should be appointed by the Central Intelligence Authority from among a list furnished by the Director."

Comment: This comment may be equally true of the offices of Director and Deputy Director. If the Director were a civilian, the Deputy Director would in all probability be a military or naval officer, and confirmation by the Senate would be preferable in view of the advanced salary this officer will receive. Public opinion is probably the only safeguard in preventing the offices of Director and Deputy Director from becoming political plums.

6. Dulles: "Section 3(b)(4). I question whether the enumeration here is broad enough. You might wish to avail of the services of someone in the civil service or from some other department of the government other than the armed forces and the State Department. Possibly also there is a danger in the provision for payment. If this clause means that in certain cases the person has to be transferred to, or a part of his pay assumed by, the CIG, it might disclose information and connections which you did not wish to have known. Your salary list will probably become public property sooner or later."

Comment: This Section was included to provide for special cases. Anyone else would be carried, either on Central Intelligence Agency rolls or on the rolls of some other Department on a reimbursement basis. In either case his Civil Service status would be established without the necessity of special legislation. The objection raised in the second portion of this comment should be met by normal CIG security provisions.

7. Dulles: "Section 3(b)(5). The right to reemploy retired officers might well be extended to include any retired civil servant as well as those who retire from the armed forces. I doubt the wisdom of Section 3(e)(4) as this might some day be interpreted as preventing any action by the Agency unless there is unanimous approval by the Board."

Comment: The normal retired civil servant (65 or 70) is generally considered too old for employment in the Agency. If he resigns from the Civil Service, he could be reinstated under the present procedures. The comment on Section 3(e)(4) is academic, in view of the fact that Section 3(e) deals with the Intelligence Advisory Board and has been eliminated in its entirety.

8. Dulles: "Section 4(a)(6). I suggest deleting 'centrally' and inserting 'by the Agency.'"

Comment: Agreed, as in Comment 3 above.

9. Dulles: "Section 4(a)(8). This should be rephrased as it imposes an impossible legal responsibility. It might read somewhat as follows: 'be responsible for taking measures to protect,' etc."

Comment: Concurred in.

10. Dulles: "Section 4(a)(9). Same comment as above with regard to the word 'complete.'"

Comment: Concurred in.

11. Dulles: "Section 4(a)(8), (9) and (10). This might be a good place to insert a provision to provide an 'Official Secrets Act,' in the case of all employees of the Agency as well as all government employees of any department who make any unauthorized disclosure or who are responsible therefor in the case of any information or documents coming into their possession and originating with the Central Intelligence Agency."

Comment: This matter is in abeyance pending final determination of the position of the Department of Justice on an Official Secrets Act.

12. Dulles: "Section 6(3). The provision that transfers of funds from other departments to the Agency is subject to authorization by the Bureau of the Budget may be essential from an accounting angle but introduces a serious security problem and it would be better if the power to authorize could be left to the Central Intelligence Authority. It is unwise that outsiders should know the amount of funds so transferred."

Comment: Procedures have been developed in conjunction with the Bureau of the Budget whereby specially cleared personnel of the Bureau of the Budget will handle these transfers, subject to careful security procedures.

13. Mr. Dulles suggests consideration of three special subjects for eventual legislation. In connection with his suggestion regarding intelligence training schools, it is felt that Paragraph 4(a)(1) of the proposed bill should include the establishment of over-all policies and objectives for intelligence training schools, including the training of intelligence officers for duties in the field of collection and dissemination. The Central Intelligence Agency may wish to take some part in the shaping of the intelligence courses at the National War College, the Armed Forces Staff College and the Air University, etc..

In connection with Mr. Dulles' suggestion as to eventual legislation in the field of cryptography, query whether the Director wishes to include at this time a provision for the Central Intelligence Agency to coordinate the cryptographic practices of the government. In connection with the suggestion regarding an Official Secrets Act, see comment on Paragraph 11 above.

WALTER L. PFORZHEIMER.

Mr. Pforzheimer

Noted.

Concur

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